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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,349	03/12/2004	David Hoerl	105479-58428 (644-053)	6376

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EXAMINER	
PIZIALI, JEFFREY J	
ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
09/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

thibbits@gibbonslaw.com
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IPDocket@gibbonslaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/799,349	HOERL, DAVID	
	Examiner	Art Unit	
	JEFF PIZIALI	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24,26-28,31 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-24,26-28,31 and 32* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/14/08 & 7/16/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the figures.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, 23, 24, 26-28, and 31, drawn to a system (claims 1-15) and a wireless remote network management system (claims 23, 24, 26-28, and 31), classified in class 375, subclass 219 (*e.g., systems comprising transceivers*).

II. Claims 16-22 and 32, drawn to a method of transmitting signals, classified in class 710, subclass 1 (*e.g., methods of transferring data between peripherals and computers*).

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use.

The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h).

(1) In the instant case, the process for using the product as claimed (*the method of claims 16-22 and 32*) can be practiced with another materially different product (*than the system of claims 1-15*).

For example, the process as claimed (*the method of claims 16-22 and 32*) can be practiced with another materially different product (*than the system of claims 1-15*) not including at least "***a plurality of first transceivers each having a first wireless communications device and each said first transceiver being coupled to a keyboard, a video monitor and a cursor control device for receiving signals from said keyboard and said cursor control device***" as claimed in independent claim 1 (*lines 3-5*);

"***a plurality of second transceivers each having a second wireless communications device and each said second transceiver being coupled to at least one of said remote devices***

for receiving video data from said remote devices and for transmitting said video data to said first transceivers over a wireless network" as claimed in independent claim 1 (*lines 6-9*); and

"***said first and second wireless communication device of said transceivers condition keyboard-video-mouse signals, where appropriate, to operate in a peer-to-peer network to thereby enable monitoring and control of said remote devices without use of a switch to control connection between any one of said first transceivers and said second transceivers***" as claimed in independent claim 1 (*lines 10-13*).

The process for using the product as claimed (*the method of claims 16-22 and 32*) can be practiced with another materially different product (*than the system of claims 23, 24, 26-28, and 31*).

For example, the process as claimed (*the method of claims 16-22 and 32*) can be practiced with another materially different product (*than the system of claims 23, 24, 26-28, and 31*) not including at least "***a plurality of first wireless-enabled transceivers each coupled to a keyboard, a video monitor and a cursor control device***" as claimed in independent claim 23 (*lines 3-4*);

"***a plurality of second wireless-enabled transceivers each coupled to a remote device***" as claimed in independent claim 23 (*line 5*);

"***a central switch enabled for wireless communication and wired communication; wherein each said first wireless-enabled transceiver communicates keyboard and cursor control device signals from said keyboard and said cursor control device to said central switch via a first wireless network***" as claimed in independent claim 23 (*lines 6-9*);

"***said central switch routes said signals via a second wireless network to one of said second wireless-enabled transceivers***" as claimed in independent claim 23 (*lines 10-11*);

"***each said second wireless-enabled transceiver communicates video data via said second wireless network from said remote device to said central switch***" as claimed in independent claim 23 (*lines 12-13*);

"***said central switch communicates said video data to one of said plurality of first wireless-enabled transceivers via said first wireless network***" as claimed in independent claim 23 (*lines 14-15*);

"***said first and second wireless-enabled transceivers condition keyboard-video- mouse signals where appropriate to enable wireless transmission thereof***" as claimed in independent claim 23 (*lines 16-17*); and

"***each said first transceiver includes circuitry for displaying a menu of said remote devices on said video monitor, wherein said menu includes information related to said remote devices and said menu is automatically updated with additional remote devices without a monitoring workstation entering a different operational mode***" as claimed in independent claim 23 (*lines 18-21*).

(2) In the instant case, the product as claimed (*in claims 1-15, 23, 24, 26-28, and 31*) can be used in a materially different process of using that product (*than the method of claims 16-22 and 32*).

For example, the product as claimed (*in claims 1-15, 23, 24, 26-28, and 31*) can be used in a materially different process of using that product (*than the method of claims 16-22 and 32*)

without, "***transmitting keyboard signals, cursor control device signals and compressed video signals between a workstation connected to a video monitor a keyboard and a cursor control device and a select computer over a wireless network***," as claimed in independent claim 16 (*lines 1-3*);

"***displaying a menu of available computers on said video monitor of said workstation***," as claimed in independent claim 16 (*line 5*);

"***receiving a user request to operate a select computer from said available remote computers***," as claimed in independent claim 16 (*lines 6-7*);

"***transmitting a connection request message from said workstation to said select computer over said wireless network in response to said user request***," as claimed in independent claim 16 (*lines 8-9*);

"***transmitting video signals from said select computer to said workstation for display on said video monitor over said wireless network***," as claimed in independent claim 16 (*lines 10-11*);

"***transmitting keyboard and cursor control device signals from said keyboard and cursor control device of said workstation to said select remote device over said wireless network***," as claimed in independent claim 16 (*lines 12-13*); and

"***interface devices are included at said workstation and select computer for conditioning keyboard-video-mouse signals, where appropriate, to operate in a peer-to-peer wireless network to thereby enable monitoring and control of said select computer without use of a switch to control connection between said workstation and any said select computer in a plurality of select computers***," as claimed in independent claim 16 (*lines 14-18*).

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an

election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102,

103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder**. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
26 August 2008